



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

NOV - 1 2016

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-101

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION

Mr. Adam Whitman
President, Meridian Beartrack Company
P.O. Box 749
Salmon, Idaho 83467

Re: Meridian Beartrack Company – Beartrack Mine
NPDES Permit Numbers ID-002702-2 and IDR053033

Dear Mr. Whitman:

On October 31, 2003, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the Meridian Beartrack Company ("Company") for its Beartrack Mine ("Facility"), NPDES Permit Number ID-002702-2 ("Permit"). The Permit became effective on December 1, 2003, and expired on October 31, 2005. Subsequently, EPA administratively extended the Permit. EPA also issued the Facility a Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP), MSGP Permit Number IDR053033. The purpose of this letter is to notify you of violations EPA discovered upon review of administrative files, including the Discharge Monitoring Reports (DMRs) submitted by the Facility, and in response to the June 21, 2016 inspection of the Facility conducted by EPA. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the NPDES Permits. I would like to express my appreciation for your staff's time and cooperation during the inspection.

ADMINISTRATIVE FILE REVIEW – ID-002702-2

1. EPA reviewed DMRs from September 2011 through September 2016 and did not identify any effluent limitation exceedances that would constitute a violation of the CWA, 33 U.S.C. § 1251 *et seq.*
2. Part I.F, Table 4, Footnote 5 of the Permit states, in regards to the monitoring of mercury, "Monitoring shall occur from March through October. After two years, the permittee may reduce monitoring to once per month."

Part I.F, Table 4, Footnote 6 of the Permit states, in regards to the monitoring of mercury, "After one year, the permittee may reduce monitoring to once per year if the monitoring results from the first year show that receiving water concentrations are below 0.012 µg/L. The annual monitoring must occur at the same time the permittee conducts the mercury bioaccumulation study."

During a review of administrative files from September 2011 through September 2016, EPA discovered that the Integrated Compliance Information System (ICIS) is showing that the Facility has failed to report the mercury levels in September and October 2014, and again from March through July 2015. After further review, EPA found the Facility is only required to report the level of mercury once per year because it met the requirements of Footnote 6. EPA updated the information in ICIS so the non-reporting of mercury does not count as a violation. In order to prevent any problems in the future, please report the level of mercury as "N/A" for all months in which it is not required.

ADMINISTRATIVE FILE REVIEW – IDR053033

1. EPA reviewed DMRs from September 2011 through September 2016 and did not identify any benchmark exceedances.
2. Part 6.1.7 of the MSGP states, in part, "Monitoring requirements in this permit begin in the first full quarter following either September 2, 2015 or your date of discharge authorization, whichever date comes later. If your monitoring is required on a quarterly basis (e.g., benchmark monitoring), you must monitor at least once in each of the following 3-month intervals:
 - January 1 – March 31;
 - April 1 – June 30;
 - July 1 – September 30;
 - October 1 – December 31."

Part 6.2.1.2 of the MSGP states, in part, "**Data not exceeding benchmarks:** After collection of four quarterly samples, if the average of the four monitoring values for any parameter does not exceed the benchmark, you have fulfilled your monitoring requirements for that parameter for the permit term."

During a review of administrative files from September 2011 through September 2016, EPA discovered that the Facility failed to submit two reports required by the MSGP. The Facility failed to submit DMRs for the 1st and 2nd Quarters of 2016, which were due by May 31, 2016 and June 30, 2016, respectively. These are violations of Part 6.1.7 of the MSGP. If you were not required to submit DMRs for the 1st and 2nd Quarters of 2016 because the Facility met the requirements of Part 6.2.1.2 of the MSGP, please provide documentation showing the reporting is not required and EPA will update ICIS.

MARCH 2016 INSPECTION

1. Part III.C of the Permit states, "The permittee must conduct monitoring according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit."

40 CFR Part 136, Table II specifies that samples must be preserved, maintained, and transported at a temperature of $\leq 6^{\circ}$ Celsius.

At the time of the inspection, the inspector reviewed laboratory chain-of-custody documents. The July 1, 2015 chain-of-custody documents showed that the sample temperature was 8.6°C when the lab received it. This is a violation of Part III.C of the Permit.

2. Part IV.E of the Permit states, in part, "The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures."

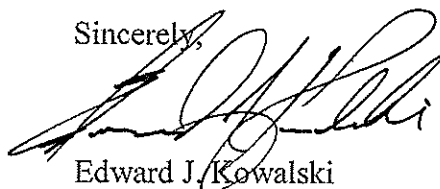
At the time of the inspection, the inspector found that the pH buffer solution for the 10.01 standard had expired in October of 2015. Using expired buffer solution during lab analysis is a failure to properly operate and maintain appropriate quality assurance procedures and, as such, is a violation of Part IV.E of the Permit.

On December 21, 2015, the NPDES Electronic Reporting Rule became effective. Permittees with a DMR requirement will have one year from this date to submit DMRs through NetDMR. The Facility applied for, and received approval to submit DMR data through the NetDMR system. The deadline to begin is December 21, 2016. Please ensure that the Facility is electronically submitting information by that date.

Although our goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage you to continue your efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to respond appropriately to ensure compliance. Notwithstanding your response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

I have enclosed a copy of the inspection report (Enclosure). If you have any questions concerning this matter, please call Raymond Andrews of my staff at (206) 553-4252.

Sincerely,



Edward J. Kowalski
Director

Enclosure

cc w/encl: Mr. Tyler Fortunati
Idaho Department of Environmental Quality

Mr. Kirk Brownlee
Beartrack Mine

cc w/o encl: Mr. Erick Neher
Idaho Department of Environmental Quality

